

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

ALLEN BARBER

CIVIL ACTION

V.

NO. _____

County of Worcester Jail and House of Correction

Guy W. Glodis, Sheriff

Jeffrey R. Turco, Deputy Superintendent

Michael Dellacava, Sergeant

Officer Esposito

COMPLAINT

Parties

1. The plaintiff is a resident of West Boylston, Worcester County, Massachusetts and a citizen of the United States.
2. The defendant Guy Glodis is employed by the Worcester County Sheriff's Department and is a citizen of the United States.
3. The defendant Jeffrey R. Turco is employed by the Worcester County Sheriff's Department and is a citizen of the United States.
4. The defendant Michael Dellacava, Sergeant is employed by the Worcester County Sheriff's Department and is a citizen of the United States.
5. The defendant Officer Esposito is employed by the Worcester County Sheriff's Department and is a citizen of the United States.

Jurisdiction

6. This court has jurisdiction over this matter pursuant to 28 U.S.C. 1332.

Facts

7. On March 6, 2009, Plaintiff Allen Barber arrived at the County of Worcester Jail and House of Correction, and was escorted to the K-Bldg., where Plaintiff would reside in a 8'x 11' cell, where Plaintiff would be locked in for 21 hours a day. The cell door slammed shut, ringing the Plaintiff's ears.
8. Later that night, at approximately 7:00 pm, Plaintiff, along with the entire bottom tier of about 58 other detainees was released for a one-hour tier time, then signaled back into the cell at approximately eight pm for the night's curfew. After a bit of reading, Plaintiff fell fast asleep around 9:00 pm.
9. Approximately two hours later, at 11:00 pm, without warning, Plaintiff was jolted from sleep by the repeated pounding of the heavy metal cell door against the stops, along with the other 59 cell doors from both top and bottom tiers. Plaintiff's ears rang for many seconds afterwards.
10. At approximately 5:45 the next morning, March 7, 2009, Plaintiff was driven from sleep again by an explosion of 60 ricocheting heavy metal cell doors. Plaintiff's ears rang for a full minute plus.
11. March 7, 2009 - March 17, 2009: rampaging cell doors everyday, multiple times a day. Plaintiff's ears rang for a couple minutes.
12. March 14, 2009, after having complained for more than a week, Plaintiff finally filed a formal written Grievance.
13. On March 17, 2009, Plaintiff complained to the morning guard. In response, at approx. 6:30 am, Sergeants Esposito and Dellacava entered Plaintiff's cell. [REDACTED]
[REDACTED]

Defendant Esposito confessed to being the one who, from his perch in the control room above the block, rapid-pounded the cell doors. Defendants Esposito and Dellacava explained to Plaintiff that even if Plaintiff's ears rang because of the slamming of the cell doors, as a policy, the practice would continue.

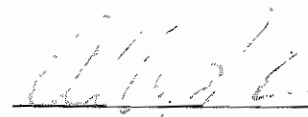
14. On March 22, 2009, Plaintiff was again awakened out of a sound sleep at approximately 6:00am by the routine rapid-pounding of his and everyone else's cell doors. However, this time the ringing in Plaintiff's ears would not go away.

15. On March 23, 2009, after round the clock ringing in the ears, Plaintiff submitted a medical request to see the the jail physician.

16. Even after weeks of medical attention, Plaintiff continues to suffer from continuous ringing in the ears to this day.

WHEREFORE? the Plaintiff demands judgment against the defendants for personal injury, violation of civil rights, intentional infliction of emotional and psychological damage and such other relief as this Court deems just.

The Plaintiff demands a trial by jury.

Signature 

ALLEN BARBER
5 Paul X. Tivnan Drive
West Boylston, MA 01583